

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

07 MAR 12 12:08

DEMETRIUS BROWN,
Plaintiff,

v.

U.S. JUSTICE DEPT. et.al.,
Defendants.

) CLERK
(U.S. DISTRICT COURT)

) C.A. No. 04-379 Erie
)
)
)
)

MOTION FOR ADDITIONAL TIME TO BE ENLARGED

COMES NOW, DEMETRIUS BROWN, herein as Plaintiff, proceeding Pro-Se, hereby moves this Honorable Court, the United States District Court for the Western District of Pennsylvania pursuant to Federal Rules of Civil Procedure 6(b) for Additional Time to be enlarged, for receiving by mail all exhibits to be included in the receiving of response to Defendants Motion to Dismiss. In support, Plaintiff states:

1. On February 5, 2007, Defendants submitted motions into the Court for Dismissal or alternatively for Summary Judgment of Plaintiff's Second Amended Complaint.

2. The Court ordered Plaintiff to respond.

3. On February 12, 2007 Plaintiff submitted a Motion to Enlarge Time due to his limited resources, the complexities of the case, and frequent lock downs of the institution.

4. On February 21, 2007, the Court granted Plaintiff's Motion to Extend Time to March 12, 2007. However, as it may now have occurred, more time is necessary.

5. Plaintiff has completed for mailing, service of his response to the Defendants Motion to Dismiss. The response includes Plaintiff Third Amended Complaint which is very lengthy. But, because the necessary exhibits are lengthy and voluminous as well, Plaintiff will need more time to make copies and for its mailing.

6. Plaintiff has diligently worked to make timely his response to the Defendants Motion to Dismiss due to institutional lock downs, weather conditions, other events, as well as the inconvenience of being allowed only to purchase a limited number of copies per week, the delay of which is beyond his control. See **Exhibit A.** (Institution Memorandums of lock downs, etc.).

7. In this regard, it is requested that an additional enlargement of 3-5 days time be given to fulfill Plaintiff's obligation for making essential number of copies for exhibits and the mailing of such to be followed closely behind his Third Amended Complaint and Response.

WHEREFORE, it is earnestly and respectfully requested that this Court grant Plaintiff to, and including March 16, 2007 in order to complete making copies and mailing of exhibits.

I, DEMETRIUS BROWN, hereby affirm and declare under penalty of perjury, 28 U.S.C. §1746, that the foregoing is true and correct.

3/8/07
Dated

Demetrius Brown

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

DEMETRIUS BROWN,)	
Plaintiff,)	
)	
)	C.A. No. 04-379 Erie
v.)	
)	
U.S. JUSTICE DEPT., et.al.,)	
<u>Defendants.</u>)	

ORDER

AND NOW, this ____ day of March, 2007,

IT IS HEREBY ORDERED, that Plaintiff's MOTION FOR ADDITIONAL TIME TO BE ENLARGED to Respond to Defendant's Motion to Dismiss, Motion for Summary Judgment, in the civil action number 04-379 Erie is hereby GRANTED.

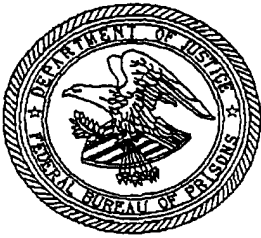
IT IS FURTHER ORDERED, that Plaintiff shall have until March 16, 2007, to submit entirety of his response to Defendants' Motion to Dismiss, Motion for Summary Judgment, in the vicil action number 04-379 Erie.

IT IS FURTHER ORDERED, that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within (10) days may constitute waiver of the right to appeal.

/s/

cc:Megan E. Farrell
Demetrius Brown

EXHIBIT A



UNITED STATES GOVERNMENT
memorandum
FCI Ray Brook, New York

DATE: February 9, 2007
REPLY TO: *T. R. Craig*
ATTN OF: T. R. Craig, Warden
SUBJECT: Institution Operating Status
TO: Inmate Population

Within the last two days, there have been several incidents involving inmate assaults. As these incidents present concern for the safety of staff, as well as each of you, the institution will operate on a modified schedule through the weekend. This modified schedule is contingent upon your clear conduct.

All recreation and programming activities will be suspended. Visiting will occur as normal. You will remain within your housing unit, and be allowed on the open flats with normal unit privileges. You will be served meals in Food Service.

On Monday, February 12, we will return to normal operations. Again, this is pending your clear conduct throughout the weekend. Your cooperation is expected.



Department of Justice

Federal Bureau of Prisons

Federal Correctional Institution

P.O. Box 300
Ray Brook, New York 12977-0300

DATE: February 15, 2007

REPLY TO /s/

ATTN. OF: T. R. Craig, Warden

SUBJECT: Inmate Programming

TO: Inmate Population

Due to our continuing adverse weather conditions, we are modifying this evening's schedule as follows.

There will be no inmate programming to include commissary. You will remain in your housing units, on the unit flats. The evening meal will be served as normal in food service. A movie will be shown as scheduled at 6 p.m.

We are planning to resume normal institution operations on Friday, February 16. No bus movement will occur on Friday. Should adverse weather conditions continue, you will be advised of any changes.



Department of Justice

Federal Bureau of Prisons

Federal Correctional Institution

P.O. Box 300
Ray Brook, New York 12977-0300

DATE: February 16, 2007

REPLY TO /s/

ATTN. OF: T. R. Craig, Warden

SUBJECT: Holiday Weekend Programming

TO: Inmate Population

Due to the continuing hazards that may impact both your safety, as well as the security of the institution, we are modifying this holiday weekend's evening schedule as follows.

For Friday, February 16 through Monday, February 19, there will be no inmate programming in the evening hours, following the 4 p.m. count. You will remain in your housing units, on the unit flats, following the count. All meals will be served in food service as normal. A new selection of movies will be shown at 8 a.m., 1 p.m., and 6 p.m. Visiting will occur as normal.

The meal for Monday, President's Day, will be glazed cornish hen, dressing, mashed potatoes and gravy, broccoli, and cherry pie. As usual, there will be a variety of holiday recreation programs to include racquetball, soccer, chess, and handball tournaments, along with basketball shootouts for your leisure activity. All evening recreation programs have been rescheduled to occur during the day.

We are planning to resume normal institution operations on Tuesday, February 20. Should adverse weather conditions continue, you will be advised of any operational changes.



UNITED STATES GOVERNMENT

MEMORANDUM

FCI RAY BROOK, NEW YORK

DATE: February 20, 2007

REPLY TO

ATTN OF: *Samuel A. Arting*
T. R. Craig, Warden

SUBJECT: Informational Update

TO: Inmate Population

Effective today, normal evening programming will resume with the exception of outside recreation, which will remain closed until which time it is announced.

In reference to the radio stations, it has been determined that the recent problems that we have been encountering lie within the provider. Contact has been made with Time Warner, who recently bought out Adelphia Cable (the former provider). Three of the four channels are currently operating, and Time Warner has assured us that they are working on restoration of our service.



UNITED STATES GOVERNMENT
MEMORANDUM
FCI, RAY BROOK, NEW YORK

DATE: February 22, 2007

REPLY TO

ATTN OF: Christine Montonna, SOE

Christine Montonna

SUBJECT: Closure of Education

TO: Inmate Population

The Education Department will be closed Friday, February 23, from 7:30am until 4:00pm in order to hold a graduation ceremony and the monthly department meeting.

Education will resume normal operating hours Saturday, February 24, opening at 7:00am.

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Plaintiff,)	
)	
)	C.A. No. 04-379 Erie
v.)	
)	
U.S. JUSTICE DEPT., et.al.,)	
<u>Defendants.</u>)	

PROOF OF SERVICE

I, DEMETRIUS BROWN, do swear or declare that on this date, March 8 2007, as required by Fed.R.Civ.P., Rule 5, I have served the enclosed MOTION FOR ADDITIONAL TIME TO BE ENLARGED, THIRD AMENDED COMPLAINT, AND PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS, MOTION FOR SUMMARY JUDGMENT on each party to the above proceeding or that of party's counsel, and on every person required to be served, by depositing an envelope containing the above documents in FCI RayBrook's internal mail system for mail in the United States, mail properly addressed to each of them and with first-class postage prepaid.

The names and addresses of those served are as follows:

MEGAN E. FARRELL	at	700 Grant St. Suite 4000
Assistant U.S. Attorney		Pittsburgh, PA. 15219
Western District of Pennsylvania		(412) 894-7429
		PA. ID. #76972

I declare under penalty of perjury that the foregoing is true and correct. Executed on 3-8-, 2007

